

REMARKS

In response to the Office Action of August 21, 2007, please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Before entry of this Amendment, claims 1-23 were pending. By way of this Amendment, new claims 24-26 have been added. Thus, claims 1-26 are currently pending. Claims 1 and 8 are independent.

Claims 1-5, 22 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Pub. No. 20050235318 (“Grauch”) in view of U.S. Patent No. 6,637,029 (“Maissel”). Claims 8-13 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Grauch in view of U.S. Patent No. 6,457,010 (“Eldering”). Claims 6, 7 and 18 stand rejected 35 U.S.C. 103(a) as being unpatentable over Grauch in view of Maissel and further in view of U.S. Patent No. 6,981,040 (“Konig”). Claims 14, 15, 20 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Grauch and Eldering and further in view of Konig. Claims 17 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Grauch and Maissel and further in view of Eldering.

Claim Objections

Claim 15 is objected to for minor informalities. By way of this reply, claim 15 has been responsively amended. Accordingly, withdrawal of the objection to claim 15 is respectfully requested.

Claim Amendments

Claim 2 has been amended to clarify that in a preferred embodiment, the row number and

the column number of the element represent the first and the second states.

Claim 8 has been amended to clarify that combining the statistical state machine families into global statistical state machines defined in a global probability density function is performed at a client side system.

New claims 24-26 have been added to recite a parameterized transition matrix, and to clarify that the transition matrix includes an element indicating a transition from a first state to a second state, and wherein each of the first and second states is indicated by one of a row and a column of the transition matrix.

Support for the above amendments may be found, for example, in Fig. 5 and the associated text of the present application.

Claims 1-23 have been additionally amended to correct minor informalities.

No new matter has been added by way of these amendments.

Rejections under 35 U.S.C. 103(a)

Claims 1-5, 22 and 23

Rejections of claims 1-5, 22 and 23 are respectfully traversed because for at least the following reasons, Grauch and Maissel, whether considered separately or in combination, fail to show or suggest the claimed invention.

The claimed invention is directed to a system and method for determining a television viewer's viewing habits. Independent claim 1 requires, in part, "**at a client-side system** associating the program guide information with the viewer's monitor behavior and **defining therefrom a knowledge base** with demographic cluster information of the viewer" (emphasis added). Advantageously, by keeping the knowledge base with demographic cluster information of the viewer at the client side, the viewers' privacy is protected (*see, e.g.*, paragraph [0326] of the published application – Pub. No. 20030101449).

By contrast, Grauch and Maissel, whether considered separately or in combination, fail to

show or suggest at least these claimed limitations, and do not have the advantages mentioned above.

More specifically, the instant Office Action (*e.g.*, page 5, lines 1-8) asserts that Grauch (paragraphs [0092]-[0095]) discloses that the monitoring of user selection or interactive with the EPG is clearly done at the user terminal/receiver. Applicant respectfully disagrees. Grauch merely discloses operations of the merge and parse engine 90 without specifying where the merge and parse engine 90 is located. Indeed, Grauch (Paragraph [0087]) clearly describes that *the merge and parse engine 90 is on staging server 70 or the MKIS system 100*. Figure 1 of Grauch further clearly shows that both the *staging server 70 and the MKIS system 100 are at the server side*, not the “client side” as claimed. Thus, contrary to the assertions in the instant Office Action, Grauch fails to show or suggest at least the claimed limitation “at a client-side system associating the program guide information with the viewer’s monitor behavior and defining therefrom a knowledge base with demographic cluster information of the viewer.”

Maissel, like Grauch discussed above, also fails to show or suggest at least the above-mentioned limitations, and fails to supply that which Grauch lacks.

Further, Applicant respectfully submits that neither of Grauch and Maissel concerns any user privacy issues. Thus, there is no reason, motivation or suggestion to modify the systems and methods as taught in these references to arrive at the claimed invention.

In view of the above, Grauch and Maissel, whether considered separately or in combination, fail to show or suggest the claimed invention as recited in independent claim 1 of the present application. In addition, there is no reason, motivation or suggestion to combine Grauch and Maissel. Thus, independent claim 1 and its dependent claims are patentable over Grauch and Maissel for at least the reasons set forth above.

Regarding dependent claims 2-4, 22 and 23, Applicant further respectfully submits that Grauch and Maissel, whether considered separately or in combination, also fail to show or suggest at least the additional claimed limitations of “parameterized transition matrix.”

The instant Office Action has relied upon Fig. 7 of Grauch, and asserts that the tables in Fig. 7 are “transition matrices.” Applicant respectfully disagrees. None of the elements in the tables of Grauch indicates a transition from a first state to a second state. For example, in the Clickstream Data 80, by checking an element, Channel Up, there is no way of knowing what the corresponding transition is. When a user looks at the row number of the element, the user only learns that the Channel Up corresponds to an Event Record. When the user looks up the column number, the user only learns that the Channel Up corresponds to an Event ID. Indeed, to obtain information about the transition, the user would have to look up other elements in the table, *e.g.*, two elements ABC and NBC in the column Channel ID, to learn that the transition of the event Channel Up is from ABC to NBC. Such a table as taught by Grauch is clearly *not* a “transition matrix” as claimed, and clearly lacks the advantages of the claimed “transition matrix.”

Maissel, like Grauch discussed above, also fails to show or suggest at least the claimed “parameterized transition matrix,” and fails to supply that which Grauch lacks. Indeed, Maissel is also completely silent with respect to a “parameterized transition matrix.”

Thus, dependent claims 2-4, 22 and 23 are patentable over Grauch and Maissel for at least these additional reasons.

Accordingly, withdrawal of the rejections of claims 1-5, 22 and 23 are respectfully requested.

Claims 8-13 and 16

Rejections of claims 8-13 and 16 are respectfully traversed because for at least the following reasons, Grauch and Eldering, whether considered separately or in combination, fail to show or suggest the claimed invention.

Amended independent claim 8 requires, in part, “at a client-side system, combining the statistical state machine families into global statistical state machines defined in a global probability density function.” By contrast, Grauch and Eldering, whether considered separately

or in combination, fail to show or suggest at least these claimed limitations.

As discussed above with respect to claim 1, Grauch fails to show or suggest the claimed “combining the statistical state machine families into global statistical state machines defined in a global probability density function” to be performed at the “client-side system,” as required by amended independent claim 8. Eldering, like Grauch discussed above, also fails to show or suggest at least the above-mentioned limitations, and fail to supply that which Grauch lacks.

Further, as neither of Grauch and Eldering concerns any user privacy issues, there is no reason, motivation or suggestion to modify the systems and methods as taught in these references to arrive at the claimed invention.

In view of the above, Grauch and Eldering, whether considered separately or in combination, fail to show or suggest the claimed invention as recited in independent claim 8 of the present application. In addition, there is no reason, motivation or suggestion to combine Grauch and Eldering. Thus, independent claim 8 is patentable over Grauch and Eldering for at least the reasons set forth above. Dependent claims are allowable for at least the same reasons.

Regarding dependent claims 10-13 and 16, Applicant further respectfully submits that Grauch also fails to show or suggest at least the additional claimed limitations of “parameterized transition matrix.” Eldering, like Grauch discussed above, also fails to show or suggest the claimed “transition matrix,” and fail to supply that which Grauch lacks. Indeed, all the references cited by the instant Office Action are silent with respect to the “transition matrix” as claimed. Thus, dependent claims 10-13 and 16 are patentable over Grauch and Eldering for at least these additional reasons.

Accordingly, withdrawal of the rejections of claims 8-13 and 16 is respectfully requested.

Claims 6, 7 and 18

Rejections of claims 6, 7 and 18 are respectfully traversed because for at least the

following reasons, Grauch, Maissel, and Konig, whether considered separately or in any combination, fail to show or suggest the claimed invention.

Claims 6, 7 and 18 depend, directly or indirectly, from independent claim 1, and thus are patentable over Grauch and Maissel for at least the reasons set forth above with respect to claim 1. Konig, like Grauch and Maissel discussed above, also fails to show or suggest at least the claimed limitations: “at a client-side system, associating the program guide information with the viewer's monitor behavior and defining therefrom a knowledge base with demographic cluster information of the viewer.” As such, Konig fails to supply that which Grauch and Maissel lack. This is also evidenced in the fact that Konig was relied upon in the instant Office Action merely to supply a Markov process.

In view of the above, Grauch, Maissel, and Konig, whether considered separately or in any combination, fail to show or suggest the claimed invention as recited in claims 6, 7 and 18 of the present application. In addition, there is no reason, motivation or suggestion to combine Grauch, Maissel, and Konig. Thus, claims 6, 7 and 18 are patentable over Grauch, Maissel, and Konig for at least the reasons set forth above. Accordingly, withdrawal of the rejections of claims 6, 7 and 18 is respectfully requested.

Claims 14, 15, 20 and 21

Rejections of claims 14, 15, 20 and 21 are respectfully traversed because for at least the following reasons, Grauch, Eldering, and Konig, whether considered separately or in any combination, fail to show or suggest the claimed invention.

Claims 14, 15, 20 and 21 depend, directly or indirectly, from independent claim 8, and thus are patentable over Grauch and Eldering for at least the reasons set forth above with respect to claim 1. Konig, like Grauch and Eldering discussed above, also fails to show or suggest at least the claimed limitations of “at a client-side system, combining the statistical state machine

families into global statistical state machines defined in a global probability density function,” and fails to supply that which Grauch and Eldering lack. This is also evidenced in the fact that Konig was relied upon in the instant Office Action merely to supply a Markov process.

In view of the above, Grauch, Eldering, and Konig, whether considered separately or in any combination, fail to show or suggest the claimed invention as recited in claims 14, 15, 20 and 21 of the present application. In addition, there is no reason, motivation or suggestion to combine Grauch, Eldering, and Konig. Thus, claims 14, 15, 20 and 21 are patentable over Grauch, Eldering, and Konig for at least the reasons set forth above. Accordingly, withdrawal of the rejections of claims 14, 15, 20 and 21 is respectfully requested.

Claims 17 and 19

Rejections of claims 17 and 19 are respectfully traversed because for at least the following reasons, Grauch, Maissel, and Eldering, whether considered separately or in any combination, fail to show or suggest the claimed invention.

Claim 17 depends from independent claim 1, and thus is patentable over Grauch and Maissel for at least the reasons set forth above with respect to claim 1. Eldering, like Grauch and Maissel discussed above, also fails to show or suggest at least the claimed limitations of “at a client-side system, associating the program guide information with the viewer's monitor behavior and defining therefrom a knowledge base with demographic cluster information of the viewer,” and fails to supply that which Grauch and Maissel lack. This is also evidenced in the fact that Eldering was relied upon in the instant Office Action merely to supply a purported probability density function.

In view of the above, Grauch, Maissel, and Eldering, whether considered separately or in any combination, fail to show or suggest the claimed invention as recited in claim 17 of the present application. Thus, claim 17 is patentable over Grauch, Maissel, and Eldering for at least the reasons set forth above. Accordingly, withdrawal of the rejection of claim 17 is respectfully

requested.

Regarding claim 19, Applicant respectfully submits that the rejection is clearly improper and should be withdrawn. Claim 19 depends indirectly from claim 6. The instant Office Action has admitted that Grauch and Maissel fail to show or suggest all of the claimed limitations of claim 6, and has relied upon Konig to supply the limitations of claim 6. Thus, the rejection of claim 19 based on merely Grauch, Maissel, and Eldering is improper. Further, claim 19 is patentable over any of the references, or any combination thereof, for at least the reasons discussed above with respect to claims 1 and 6. Accordingly, withdrawal of the rejection of claim 19 is respectfully requested.

New Claims

New claim 24 depends from claim 1, and new claims 25 and 26 depend from claim 8. Thus, claims 24-26 should be patentable for at least the reasons set forth above with respect to claims 1 and 8. In addition, claims 24-26 require the “transition matrix,” with respect to which all of the references are completely silent.

Claims 24 and 26 additionally require that the “parameterized transition matrix” comprise “an element indicating a transition from a first state to a second state, and wherein each of the first and second states is indicated by one of a row and a column of the transition matrix.” By contrast, any of the cited references, or any combination thereof, fail to show or suggest at least these additional claimed limitations.

The instant Office Action has relied upon Fig. 7 of Grauch, and asserts that the tables in Fig. 7 are “transition matrices.” Applicant respectfully disagrees. As further clarified, the claimed “transition matrix” includes an element indicating a transition. An example of such a “transition matrix” has been provided in Fig. 5 of the present application, wherein an element, *e.g.*, element B, describes a transition from channel 5 to channel 2. Such a transition is readily readable from the exemplary transition matrix, which is advantageously arranged such that the

rows represent the ‘from’ states, and the columns represent the ‘to’ states, and that the matrix index (row number and column number) of the element includes the transition information.

By contrast, none of the elements in the tables of Grauch indicates a transition from a first state to a second state. For example, in the Clickstream Data 80, by checking an element, Channel Up, there is no way of knowing what the corresponding transition is. When a user looks at the row number of the element, the user only learns that the Channel Up corresponds to an Event Record. When the user looks up the column number, the user only learns that the Channel Up corresponds to an Event ID. Indeed, to obtain information about the transition, the user would have to look up other elements in the table, *e.g.*, two elements ABC and NBC in the column Channel ID, to learn that the transition of the event Channel Up is from ABC to NBC. Such a table as taught by Grauch is clearly *not* a “transition matrix” as claimed, and clearly lacks the advantages of the “transition matrix.”

Indeed, all the references cited by the instant Office Action are silent with respect to the “transition matrix” as claimed.

Accordingly, entry and favorable consideration of new claims 24-26 are respectfully requested.

Patent Application No. 10/043,698
Amdt. Dated November 13, 2007
Response to Office Action of August 21, 2007

Docket No. MET2.PAU.02

CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants believe that the rejected claims are in condition for allowance. Reconsideration, re-examination, and allowance of the rejected claims are respectfully requested. If the Examiner feels that a telephone interview would help with the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

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Respectfully submitted,

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